

Lewis County Planning Commission

Public Meeting

Lewis County Courthouse
Commissioners' Hearing Room – 2nd Floor
351 NW North St – Chehalis, WA

January 28, 2014 - Meeting Notes

Planning Commissioners Present: Russ Prior, Bob Guenther, Arny Davis, Richard Tausch

Planning Commissioners Excused: Clint Brown

Planning Commissioners Absent: Mike Mahoney

Staff Present: Lee Napier, Glenn Carter, Stan May, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from January 14, 2014
- Draft Setback Proposal

1. Call to Order

Commissioner Davis, acting Chair, called the meeting to order at 6:03 p.m. The Commissioners introduced themselves.

2. Approval of Agenda

There were no changes to the agenda.

3. Approval of Meeting Notes

There were no changes or corrections to the meeting notes of January 14, 2014, and they were approved.

4. Old Business

A. Second Workshop on Setbacks

Mr. May stated that after the last meeting there was some feedback from the County Commissioners, staff and the public. The public who responded is in favor of the proposal, and some offered suggestions. There are a couple of minor changes that will be addressed tonight.

On page 2 of the handout, the Commissioners requested a clarification in the table. The last line shows that it is a rear setback. The changes in this document from the previous are highlighted in gray.

On page 3 is a footnote that shows a change from 100 square feet to 200 square feet. The existence of exempt buildings was probably the intent for the 100 square foot. In a residential area, buildings under 200 square feet are not regulated.

Under (2), subsections a, b, c and d have been added. This is to give a clearer picture of what is expected of an applicant in order to get an administrative reduction.

Chair Davis stated he is pleased with these additions. If these criteria are met, then they bind the administrator as well as the person making the proposal.

Mr. May stated it does not mean it will automatically be approved, and the applicant can always appeal to the hearings examiner.

Mr. May stated that (3) was added after comment from Commissioner Prior regarding setbacks near resource lands.

Commissioner Prior stated the 100 square foot in the footnote was because anything above 200' needs a building permit. He asked Mr. May to explain. Mr. May stated in the past the minimum size for a building permit was 100 square feet. It has since been increased to 200 square feet.

Commissioner Prior referred to the table. He remembers a conversation about changing the rear setback from 25 feet to something smaller. Mr. May stated there had been discussion but no decision was made. Mr. Commissioner Prior stated he would like to hear comment from Mr. Brasch.

Chair Davis had no objection.

Michael Brasch, 135 Tatoosh Trail, Packwood, stated in terms of the rear setback at 25', he would like to see something less than 25'. He understands the need for a setback in the rear, especially if it backs up to resource land. Something less than 25' would benefit the community and still protect any back yards that adjoin. He did not have an opinion about whether it should be 5', 10' or 15'. He would like to see an administrative process if necessary. The original plat maps called for 5' on all sides for High Valley. He could not speak to other communities.

Commissioner Prior stated the letter from High Valley stated the [rear] setbacks were 15'.

Commissioner Davis asked how a septic worked with these setbacks. Mr. Brasch stated it is difficult to set the buildings without hitting the drainfield or tanks. The layout of a lot is very limited when all these factors are considered.

Commissioner Guenther asked how large the lots are in High Valley, and if they are about the same size. Mr. Brasch stated the majority of them are about the same size, but the configurations are different because of the cul de sacs. He estimated most of them are about .25 and .33 of an acre.

Commissioner Guenther asked if High Valley is the only community in Lewis County that is like this and if the standards for High Valley would be adopted for all developments.

Mr. May stated that one of the reasons that the administrative reduction is being allowed was to make considerations for rear setbacks. He did not have a good reason not to reduce the rear set back to 15'. In his research he saw a good range – 25' might not have been atypical but it was common, as were smaller numbers.

Commissioner Prior referred to the table that compares Lewis County to other counties. It shows only side setbacks. He asked if Mr. May recalled what typical rear setbacks were in other counties.

Mr. May stated most of them were between 10' and 25'. He did not remember 5'.

Commissioner Prior stated this is based on non-conforming lots. He asked if this proposal is only for non-conforming lots. Mr. May stated what triggered this is primarily places like High Valley. However, there is one set of setback standards for every zone in the county. It is broken down only into residential, commercial and industrial. The small lots in LAMIRDS or other areas would also be affected by the setbacks.

Commissioner Davis asked if the other Commissioners felt comfortable in making a recommendation to staff to adjust the rear setback to 15'. They agreed.

Mr. May stated there were no other changes to the proposal. On page 4 are some notes that were brought up during the last discussion. One question came up about the possibility of setting different setbacks for RDD and LAMIRDS. Mr. May stated that could be done; it would take more study. The proposed setbacks would satisfy LAMIRDS but would not hinder anyone in RDD.

Commissioner Davis asked if Mr. May saw a need for that. Mr. May stated he did not.

Commissioner Prior stated if there is a 5-acre lot there is a lot of lee-way. He did not see a need for setbacks being related to zoning.

Mr. May stated 17.10.215 on page 4 defines setback and front setback. In a discussion with the Building Department, they suggested there is no code to support it, but wherever the point of access is, the side facing that access is the front.

Discussion followed. There was concern about the "front" depending on where the access is located. Mr. May stated the building can be placed however the owner wants it. The front of the building does not have to face the front setback. When the property is on the county road, the front is determined by the center line of the road. Mr. Carter stated it must be consistent across all properties. If you leave it up to the landowner it might be inconsistent.

Commissioner Tausch asked what happens to a property that has county roads on two sides of a property. Mr. May stated it would be determined by access. Mr. Tausch stated it is conceivable that it could be accessed by both. Mr. May stated the 17.10.214 stated "a rear setback is the side of the structure away from the street of point of access, provided a structure may have two fronts, but only one rear and is measured to the nearest property line."

Mr. May continued with a summary of page 4. Page 5 is regarding a process to handle an administrative reduction. There are criteria for what the applicant needs to do, and there is a process of what else may need to happen. 17.160.050 defines administrative approval uses. Staff wanted it to be clear that this process would be used so the property owner could provide notification to people around them that they are requesting a reduction in setback. This includes a 10-day comment period. It is not quite the same as a public hearing but it gets the word out and gives people a chance to voice their concerns.

Commissioner Prior asked if this is for the commissioners' information or if they are to comment on it. Mr. May stated it doesn't necessarily point to using this process. Staff is putting it out there so the Planning Commission can determine if it is something they would like to implement. The Planning Commission should review it.

Commissioner Davis stated it likes the idea of criteria; not just for the property owner but for staff, also. There may be some recommendations to tweak it some but if it is already being used it is good to be consistent.

Commissioner Tausch stated the administrator may reduce the setbacks on the side or rear. There is nothing about the front setback. If there is a corner lot with two fronts, should the administrator have the ability to adjust one of those?

Mr. May stated when there is a right of way on a county road then it would need to go to Public Works for a variance or a road setback.

Commissioner Prior asked if there is a corner lot and there are two fronts, are there two backs. Which is the side and which is the back? Mr. May read a citation regarding a corner lot stating there shall be a front yard setback extending from each road right of way. 17.10.243 – "in the case of a lot with more than one road frontage, consequently two rear property lines, the rear yard shall be deemed to be the yard abutting a shorter rear property line."

Commissioner Davis stated the Commissioners would review the revision to the setback proposal before the next meeting.

5. New Business

There was no new business.

6. Calendar

The next meeting will be on February 11, 2014.

7. Good of the Order

No one wished to speak.

8. Adjourn

A motion was made and seconded to adjourn. Adjournment was at 6:41 p.m.